

## **Chapter 5.48**

### **FIRE AND DAMAGED GOODS SALES**

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#### **5.48.010 Fire and damaged goods defined.**

As used in this chapter, “fire and damaged goods” means and applies to goods, wares and merchandise being offered for sale as a result of fire, smoke, water, wind, earthquakes, acts of God, or other incidents of similar nature, but does not apply to goods, wares and merchandise damaged in transit or by handling, dropping, nicking, scratching or other similar damage occurring within or incident to the regular conduct of business.

#### **5.48.020 Permit—Required.**

Fire and damaged goods shall be sold only in strict compliance with the terms of a permit to be issued by the license official.

#### **5.48.030 Permit—Application.**

Applications shall contain such information as the license official shall from time to time require, including the following:

A. A complete inventory of all goods, wares and merchandise existing at the place of business immediately after the occurrence of the reason or cause of damage;

B. The items of such inventory that will be the subject of the sale; and

C. An affidavit of the correctness of the inventory and the cause of the damage.

#### **5.48.040 Permit—Fee.**

The fee for the permit or any renewal required by section 5.48.020 shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

#### **5.48.050 Permit—Issuance conditions—Duration.**

Upon the filing of the inventory and affidavit referred to in section 5.48.030 the license official shall issue a permit to conduct a fire and damaged goods sale that shall be effective for a 30-day period following its issuance.

#### **5.48.060 Permit—Renewal.**

A permit shall be renewed for an additional 30-day period, provided a sworn affidavit and inventory list showing the unsold goods, wares or merchandise is furnished to the license official and the official is satisfied that such items were part of and included in the original inventory. In no event shall a permit be renewed more than two times.

#### **5.48.070 Recordkeeping requirements.**

The permittee shall keep complete and suitable records and books of all sale items that shall be available at all times to inspection by the license official. The inventory list shall be revised at the close of business each day by the permittee so that the items disposed of during that day shall be clearly marked. The records and inventory referred to in this chapter shall be submitted to the license official upon request.

#### **5.48.080 Advertising restrictions.**

It is unlawful for any person to advertise a fire and damaged goods sale in other than a concise and clear manner, so as not to deceive the public. All advertising shall state that such sale is not a termination of the entire business,

but is a special sale.

**5.48.090 Adding to original inventory prohibited.**

No permittee shall add, cause to, or permit to be added to the fire and damaged goods, any items not described in the original inventory.

**5.48.100 Unlawful sales—Each sale a separate offense.**

Each sale of fire and damaged goods made without a permit, or of items not included in the original inventory and designated therein as the subject of such sale, shall constitute a separate offense under this chapter.